

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE: TESTOSTERONE REPLACEMENT THERAPY PRODUCTS LIABILITY LITIGATION ----- THIS DOCUMENT RELATES TO: <i>Leschyshyn v. AbbVie, Inc.</i> , No. 17 C 1778)))))))	Case No. 14 C 1748 MDL No. 2545
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CASE MANAGEMENT ORDER NO. 145
(Order on Plaintiff Alan Leschyshyn's Request to be Given
a Court Appointed Attorney in *Leschyshyn v. AbbVie, Inc.*, No. 17 C 1778)

Order

For the reasons stated below, the Clerk is directed to mail to plaintiff Alan Leschyshyn, at his address listed on the docket in Case No. 17 C 1778, a copy of the "Motion for Attorney Representation" form. Leschyshyn is directed to file the completed form and the other materials specified below by January 23, 2019. Defendants are directed to provide copies of Leschyshyn's plaintiff fact sheet and plaintiff profile form for the Court's *in camera* inspection by January 9, 2019.

Statement

Plaintiff Alan Leschyshyn is asserting claims in this multidistrict litigation (MDL) proceeding against defendants AbbVie, Inc. and Abbott Laboratories, Inc. (collectively, AbbVie) relating to injuries allegedly caused by his use of AbbVie's testosterone replacement therapy drug, AndroGel. Leschyshyn is incarcerated in a federal correctional facility and states that he is indigent. He has asked the Court to appoint an attorney to represent him in this MDL. In the alternative, he has asked the Court to order AbbVie or the Clerk of Court to mail him "case management orders, meeting

minutes, etc." Pl.'s Mot. at 2.

"In federal civil litigation, litigants possess neither a constitutional nor statutory right to a court-appointed attorney." *James v. Eli*, 889 F.3d 320, 326 (7th Cir. 2018). A district court, however, "may request an attorney to represent any person unable to afford counsel." *Id.* (quoting 28 U.S.C. § 1915(e)(1)); *see also, e.g., Pruitt v. Mote*, 503 F.3d 647, 653 (7th Cir. 2007). The decision whether to do so "is left to the district court's discretion." *Pruitt*, 503 F.3d at 654. "When confronted with a request under § 1915(e)(1) for pro bono counsel," a court must "make the following inquiries: (1) has the indigent plaintiff made a reasonable attempt to obtain counsel or been effectively precluded from doing so; and if so, (2) given the difficulty of the case, does the plaintiff appear competent to litigate it himself?" *Id.*; *see also, e.g., James*, 889 F.3d at 326.

This Court needs more information from Leschyshyn in order to determine whether to ask an attorney to represent him. Specifically, the Court needs information and documentation regarding Leschyshyn's finances and a detailed description of his efforts, if any, to find an attorney to represent him. The Court, therefore, orders Leschyshyn to submit the following: (1) a print-out from the correctional institution(s) where he has been in custody during the last year showing all receipts, expenditures, and balances in his prison trust fund account(s) during that time; (2) a completed copy of the form titled "Motion for Attorney Representation" that is used in the United States District Court for the Northern District of Illinois. Among other things, the form asks for information regarding a plaintiff's efforts to find an attorney. Leschyshyn must complete this portion of the form *in detail*, describing all efforts he has made to find an attorney on his own.

In addition, in anticipation of Leschyshyn's compliance with the Court's order, AbbVie's counsel is directed to submit a copy of Leschyshyn's plaintiff fact sheet and plaintiff profile form for the Court's *in camera* inspection so that the Court can make a better assessment of Leschyshyn's case. This is to be done by January 16, 2019.

The Clerk of Court is directed to mail a copy of the "Motion for Attorney Representation" form to Leschyshyn. Leschyshyn is directed to submit the required materials to the Court by January 23, 2019.


MATTHEW F. KENNELLY
United States District Judge

Date: January 2, 2019